

REMARKS

Claims 19-38 are pending. No amendments have been by way of the present submission, thus, no new matter has been added.

In view of the following remarks, favorable action on the merits is respectfully solicited.

Issues under 35 U.S.C. §121

In the outstanding Office Action the Examiner has required Applicant to elect one of the following two groups pursuant to 35 U.S.C. §121:

- I. Claims 19-23, drawn to ciliary muscles in an asthenopic state; and
- II. Claims 24-38, drawn to methods of preparing an in vitro experimental model.

Applicant respectfully traverses. Applicant respectfully submits that there is no undue administrative burden placed upon the Examiner to search and consider all claims in their entirety. Thus, Applicant submits that the outstanding Restriction Requirement is improper and claims 19-38 should be examined in their entirety.

However, in order to be fully responsive to the outstanding Office Action, Applicant hereby elects Group II, directed to claims 24-38. This is an election with traverse as noted above.

The Examiner has further required that Applicant provide an election to species. In particular, the Examiner asserts that the claims include patentably distinct species directed to different means of producing muscular contraction. These species include either chemical induction or electrical induction. Applicant hereby elects “chemical induction.”

Further, the Examiner has indicated that if chemical induction is elected, a single species of such chemical agent must also be elected. Applicant hereby elects "acetyl choline" as a specifically disclosed species.

It is Applicant's understanding that the above election of species serve as a study point for search and consideration by the Examiner. Upon indication of allowable subject matter for the elected species, the Examiner is required to expand the search to include other non-elected species with the intent of finding the generic claims ultimately allowable.


In view of the above, favorable action on the merits is respectfully solicited.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: February 10, 2006

Respectfully submitted,

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